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MINISTRY OF LAW

*New Delhi, the 14th June, 1958/Jyaistha 24, 1880 (Saka)*

THE BANARAS HINDU UNIVERSITY (AMENDMENT)  
ORDINANCE, 1958

No. 4 OF 1958

Promulgated by the President in the Ninth Year of the  
Republic of India.

An Ordinance further to amend the Banaras Hindu  
University Act, 1915.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Banaras Hindu University (Amendment) Ordinance, 1958. Short title and commencement.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act), and the Statutes thereunder shall have effect subject to the amendments specified in this Ordinance. Act 16 of 1915 to be temporarily amended.

3. For section 9 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 9.

“9. The Court shall be an advisory body and its functions shall be— The Court.”

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.”.

Insertion  
of new sec-  
tion 12A.

4. After section 12 of the principal Act, the following section shall be inserted, namely:—

Proceedings  
of Univer-  
sity authori-  
ties or bodies  
not to be in-  
validated by  
vacancies,  
etc.

“12A. No act or proceeding of any authority or body of the University shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.”.

Amendment  
of section 17

5. In section 17 of the principal Act, for sub-sections (3), (4), (5), (6) and (7), the following sub-section shall be substituted, namely:—

“(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes; but every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration.”.

Amendment  
of section 18.

6. In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:—

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may disallow any such Ordinance or remit it to the Executive Council for further consideration.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.”.

7. In section 19 of the principal Act, the proviso to sub-section (3), <sup>Amendment of section 19.</sup> shall be omitted.

8. The Statutes of the University shall have effect as if they had <sup>Amendment of Statutes.</sup> been amended as follows:—

(i) in Statute 12,—

(a) clause (2) shall be omitted;

(b) in clause (5)(a), the words “and the Court” shall be omitted;

(ii) for Statute 14, the following Statute shall be substituted, namely:—

“14. (1) The Court shall consist of the following <sup>The Court.</sup> members, namely:—

(a) the Chancellor, *ex officio*,

(b) the members of the Executive Council, *ex officio*,

(c) two representatives of the departments and Colleges of the University, nominated by the Visitor,

(d) two representatives of the teachers of the University other than Professors, nominated by the Visitor,

(e) five representatives of the old students of the University, nominated by the Visitor,

(f) three representatives of Parliament, two to be nominated by the Speaker of the House of the People from among the members thereof and one to be nominated by the Chairman of the Council of States from among the members thereof,

(g) twenty-nine persons nominated by the Visitor from among persons who have special knowledge or practical experience in education or have rendered eminent services in the cause of education or are men of standing in public life.

(2) Seventeen members of the Court shall form a quorum.”;

(iii) Statute 16 shall be omitted;

(iv) for Statute 17, the following Statute shall be substituted, namely:—

The  
Executive  
Council.

“17. (1) The Executive Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor, *ex officio*,
- (b) seven persons nominated by the Visitor,
- (c) one person nominated by the Chief Rector.

(2) Five members of the Executive Council shall form a quorum.”;

(v) in Statute 18,—

(a) in clause (1), the words “subject to the control of the Court” and the words “not otherwise provided for” shall be omitted;

(b) in clause (2) (viii), the words “otherwise than by an act of the Court” shall be omitted;

(vi) in Statute 20, in item (i), the words “the Court or” shall be omitted;

(vii) in Statute 28, for the words “The Court, the Executive Council”, the words “The Executive Council” shall be substituted;

(viii) for Statute 29, the following Statute shall be substituted, namely:—

Selection  
Committee.

“29. (1) There shall be a Selection Committee for making recommendations to the Executive Council in respect of appointments to the posts of Professor, Reader, Lecturer and Registrar, and the Selection Committee shall consist of such number of persons as the Executive Council may appoint.

(2) The procedure to be followed by the Selection Committee in making recommendations shall be determined by the Executive Council.

(3) If the Executive Council is unable to accept any recommendations made by the Committee, it shall record its reasons and submit the case to the Visitor for final orders.”;

(ix) for Statute 30, the following Statute shall be substituted, namely:—

“30. (1) There shall be a Screening Committee consisting of the following persons, namely:— Screening Committee.

(a) a person who is or has been a Judge of a High Court, nominated by the Central Government, who shall be the Chairman of the Committee,

(b) the Vice-Chancellor, *ex officio*,

(c) a person nominated by the Central Government from among persons who have had administrative or other experience in educational matters.

(2) The meetings of the Committee shall be convened by such person as may be appointed for this purpose by the Chairman.

(3) It shall be the duty of the Screening Committee to examine the cases of all persons who at the commencement of the Banaras Hindu University (Amendment) Ordinance, 1958, are holding teaching, administrative or other posts in the University in respect of whom there is reason to believe that their continuance in office would be detrimental to the interests of the University, and to forward its recommendations to the Executive Council; and the Executive Council shall take such action thereon as it may think fit:

Provided that before taking any such action against the person concerned, the Executive Council shall give him a reasonable opportunity of being heard.”

9. (1) Every person holding office as a member of the Court or the Executive Council, as the case may be, immediately before the commencement of this Ordinance, shall on such commencement cease to hold office as such: Transitional Provisions.

Provided that where any such person holds immediately before such commencement any other office in the University, nothing contained in this sub-section shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council is constituted in accordance with the provisions of clause (ii) or clause (iv), as the case may be, of section 8, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and discharge the duties conferred or imposed by or under the principal  
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Act, as amended by this Ordinance, on the Court or the Executive Council, as the case may be.

RAJENDRA PRASAD,  
*President.*

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G. R. RAJAGOPAUL,  
*Addl. Secy. to the Govt. of India.*